

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

C.A. No. 05-10490 NMG

| | | |
|--------------------|---|----------------------------|
| _____ |) | |
| NANCY BUCKLEY, |) | |
| Plaintiff |) | |
| |) | |
| v. |) | DEFENDANT'S ASSENTED TO |
| |) | MOTION TO TAKE DEPOSITIONS |
| CITY OF BROCKTON |) | PURSUANT TO THE SCHEDULING |
| SCHOOL DEPARTMENT, |) | <u>ORDER</u> |
| Defendant |) | |
| _____ |) | |

The defendant, City of Brockton, moves to take depositions pursuant to the Scheduling Order as follows:

As grounds, the defendant states that the electronic notes of the Scheduling Order read in part "... non expert dep. 4/30/06, request for admissions filed by 4/30/06, responded to 5/31/06 ..." Defendant's counsel interpreted the electronic notes as requiring non expert deposition notices to be filed by April 30, 2006.

As of April 28, 2006, the defendant filed notices of depositions for May 15, 2006, May 18, 2006, and May 24, 2006 for the plaintiff and other witnesses respectively. One of the witnesses is unavailable on May 18, 2006 because of personal circumstances and counsel have agreed that this deposition notice be waived. Further, plaintiff's counsel is unavailable on May 24, 2006 because of a previously scheduled commitment.

All of the discovery has been taken in compliance with the Scheduling Order and no expert deposition notices were noticed.

Defendant's counsel therefore moves that the Scheduling Order be revised to

reflect that the remaining deposition be taken subject to the schedule of the witnesses and counsel, and no later than May 31, 2006.

Respectfully submitted,

THE DEFENDANT,
City of Brockton
By Its Attorney,

DATED: May 8, 2006

\S\ Frank A. Smith, III
Frank A. Smith, III – BBO #467500
FRANK A. SMITH III & ASSOCIATES, P.C.
11 Beacon Street, Suite 1200
Boston, MA 02108
(617) 723-3273

ASSENTED TO:

Kevin G. Powers – BBO #405020
ATTORNEY FOR PLAINTIFF